

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit 23

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA
STATE CONFERENCE OF
THE NAACP, et al,

THE NAACP, et al,

Plaintiffs,

vs. CASE NO.

3 :21-CV-03302-MBS-TJH-RMG

THOMAS C. ALEXANDER,
et al.

Defendants.

VIDEOCONFERENCE

DEPOSITION OF: WILLIAM ROBERTS

DATE: July 7, 2022

TIME: 9:35 a.m.

LOCATION: 1310 Gadsden Street

Mahogany Conference Room

Columbia, SC

TAKEN BY: Counsel for the Plaintiffs

REPORTED BY: ERIC GLAZIER, Court Reporter

18

19

20

21

22

23

24

25

Page 64

1 of any maps that you drew?

2 A. To figure out if the maps that we were
3 drawing complied with this, that was something the
4 attorneys would have looked at, not myself.

5 Q. Got it.

6 Did you create or rely on any
7 additional documents to supplement this criteria?

8 A. Not that I can recall.

9 Q. Were you given any other documents
10 related to redistricting criteria?

11 A. I believe that there was a letter
12 submitted by Senator Harpootlian at one point.
13 That was probably the only other document that I
14 recall that revolved around the guidelines.

15 Q. Did you receive any other instructions
16 about criteria that you should focus on when
17 drawing maps?

18 A. Yes, for the congressional districts,
19 we did.

20 Q. And what were those instructions?

21 A. The instructions were, don't touch the
22 seventh congressional district, Congressman Clyburn
23 wanted a minimal-change plan, and Congressman Joe
24 Wilson didn't want to go to Beaufort; he wanted to
25 keep Fort Jackson.

1 boundaries is there, as well as minimizing
2 divisions of voting precinct boundaries.

3 Q. But you'd agree that ease of election
4 administration is not something that is within
5 these guidelines?

6 DEFENSE COUNSEL: Objection.

7 Mischaracterizes testimony.

8 A. When you minimize divisions of county
9 boundaries and you minimize divisions of voting
10 precincts, you in fact make the election
11 administration easier.

12 Q. How would somebody from a member of the
13 public know that in reading these three criteria?

14 A. If they worked in elections, they would
15 understand that.

16 Q. So only people who worked in elections
17 would understand that point?

18 A. Not necessarily, but they would get the
19 gist of how this plays into the ease of election
20 administration.

21 Q. Did you at all disclose in any of your
22 testimony to the public that ease of election
23 administration was a consideration?

24 A. Not that I can recall.

25 Q. For district compactness, in F, who was

Page 123

1 A. Yes, that's correct.

2 Q. Were there any other sources of
3 demographic information that you had access to
4 outside of BVAP?

5 A. We had the entire PL 94-171 database
6 loaded into the mapping system. So in addition to
7 BVAP. We had numerous other racial categories as
8 well as ethnicity data.

9 MR. CUSICK: I'm now going to mark as
10 Plaintiff's Exhibit 6, this is in Tab 19. It's a
11 text message between Mr. Fiffick and Mr. Dalton
12 Oldham. It has a Bates stamp numbering beginning
13 with South Carolina Senate page number ending at
14 4343. I believe this will be Plaintiff's
15 Exhibit 6. Just give me a moment, and I'll upload
16 it into Exhibit Share and then pull it up on the
17 screen.

18 (PLF. EXHIBIT 6, FIFFICK - OLDHAM TEXT
19 MESSAGES, was marked for identification.)

20 BY MR. CUSICK:

21 Q. I'm only going to focus on the first
22 page. I believe all the rest of the documents have
23 been redacted as not responsive, just so -- to ease
24 the reference here.

25 Do you see the first page ending in

Page 130

1 minority candidate of choice.

2 Q. And do you have any understanding on
3 whether an RPV analysis is helpful for that
4 determination?

5 A. I don't know. I've never conducted a
6 racially polarized voting analysis.

7 Q. Have you worked on any redistricting
8 efforts where an RPV analysis was conducted?

9 A. I don't recall.

10 Q. And did I hear you don't recall whether
11 it was at all discussed in any of the federal cases
12 that you worked on as a technical advisor?

13 A. That's correct. I don't recall if it
14 was -- I never analyzed any RPV analysis.

15 Q. Even if you didn't conduct an analysis,
16 are you aware that cartographers who draw maps do
17 look at RPV analyses?

18 A. Could you repeat that question?

19 Q. Even if you didn't conduct an RPV
20 analysis, based on your expertise in the field, are
21 you aware that map drawers might look to RPV
22 analyses when they're drawing maps?

23 A. Yes.

24 Q. And what is your understanding on why
25 they might do that?

Page 161

1 redistricting plan had passed.

2 Q. Got it.

3 And so who was involved in the process
4 for creating the first staff plan that was publicly
5 proposed?

6 A. That would have been the core
7 redistricting team of myself, Breeden John, Andy
8 Fiffick, Charlie Terreni, and Paula Benson.

9 Q. Anyone else?

10 A. Possibly could have been more members
11 of the judiciary staff. I don't remember who was
12 in all the meetings when we were meeting to draw
13 this plan.

14 Q. Did Mr. Gore have any involvement?

15 A. Not with the drawing of the plan, no.

16 Q. What about after it was drawn?

17 A. I'm not sure if he was reached out for
18 legal advice on the plan or not. I can't recall.

19 Q. Aside from Mr. Terreni, any other
20 outside counsel?

21 A. Not that I can recall at this point.

22 Q. Even though he wasn't involved,
23 Mr. Gore, with the drawing of the map, was he at
24 all involved in any meetings during the creation of
25 this map or subsequently after iterations were

Page 164

1 iterations?

2 A. Yes.

3 Q. Were all of those saved, the different
4 changes for proposals, and stored in the Maptitude
5 software?

6 A. They would have been stored in the
7 software as backup files every time the project was
8 closed out.

9 Q. And why is Greenville, Columbia, and
10 Charleston kind of zoomed in on, if you will, for
11 this proposal?

12 A. Those are the three largest -- the
13 three large metropolitan areas around the state, to
14 give better detail.

15 Q. Who would you say was responsible for
16 overseeing the development of this initial staff
17 plan?

18 A. Could you clarify that for me?

19 Q. Just, who is responsible with final
20 decisions for overseeing this initial staff plan
21 before it was publicly posted?

22 A. That would have been Charlie Terreni
23 and Andy Fiffick.

24 Q. Any senators?

25 A. I don't recall if any senators saw this

Page 165

1 before it was released or not.

2 Q. Do you think it would have been helpful
3 to seek their input before it was released?

4 A. It could have been, but then it
5 wouldn't have been a staff plan. It would have
6 been a senator -- a senate plan.

7 Q. Got it.

8 So the designation that it's a staff
9 subcommittee plan indicates no senators'
10 involvement in it?

11 A. Not with the congressional districts,
12 no.

13 Q. Who had the responsibility for
14 assessing and reviewing this plan before it was
15 publicly posted to see if it complied with
16 redistricting criteria?

17 A. That would have been the attorneys.

18 Q. Including Mr. Gore?

19 A. I don't know exactly -- he was sought
20 for legal advice. I just don't recall -- I wasn't
21 privy to a lot of those conversations, as it dealt
22 with attorney information. So I wasn't involved in
23 a lot of those conversations.

24 Q. Were you at all involved in any
25 conversations about compliance with redistricting

Page 176

1 peninsula as well as the North Charleston area.

2 Q. Now, did you have some constraints at
3 all with any of the other instructions you were
4 given about CD Seven or Beaufort County being in CD
5 Two, based on what we discussed earlier about the
6 ripple effects of CD districts?

7 A. Yeah, that's correct. Without being
8 able to take Two down to Beaufort or messing with
9 the seventh, I couldn't put people into the ocean,
10 so I had to put them into the sixth.

11 Q. Right.

12 So would it be fair to say there really
13 could only be at least for CD One and Six primarily
14 voters from those areas moved in and out?

15 A. That's correct.

16 Q. In your work in local redistricting --
17 let me rephrase that.

18 Who made the determinations that you
19 just discussed about specific areas to move in and
20 out? For example, who made the decision to move
21 parts of Charleston into CD Seven versus for them
22 to -- or CD Six versus them to stay in CD One?

23 A. Can you repeat that? You've got me a
24 little confused.

25 Q. I guess, who made the determines on

Page 201

1 work on a second map that was publicly posted and
2 shared?

3 A. Yes. That would have been the senate
4 amendment one plan.

5 Q. Yeah.

6 And can you walk me -- who was involved
7 in the senate amendment one plan's creation?

8 A. That would have been the core
9 redistricting group of Andy Fiffick, Charlie
10 Terreni, myself, Breeden John, and Paula Benson.

11 Q. Anyone else?

12 A. Possibly Maura Baker or Madison Faulk.
13 They were in and out of the room.

14 Q. And were there any differences in the
15 data you had available to you for the creation
16 of -- or the creation of that map versus the senate
17 staff plan?

18 A. Not that I can recall. I think we used
19 the same data throughout the redistricting process.

20 Q. Did you rely on the same priority
21 criteria in drawing that map?

22 A. The map that was released as senate
23 amendment one was -- had the same criteria,
24 especially the don't touch the Seventh, Congressman
25 Clyburn wants a minimal change, Joe Wilson wants

Page 203

1 proposal compared to the initial staff plan?

2 A. I don't believe so. The staff remained
3 the same throughout the entire redistricting
4 process.

5 Q. Now, that Senator Campsen was involved
6 in this process -- I know we talked earlier that
7 Mr. Terreni kind of had the final responsibility on
8 certain decisions being made.

9 Did that change at all with this plan,
10 given Senator Campsen might have had some input?

11 A. Can you repeat that one more time?

12 Q. Got it.

13 Was Mr. Terreni -- or, I guess, who had
14 primary responsibility for final decisions over the
15 way certain districts were drawn in this plan?

16 A. That would have been senators
17 themselves.

18 Q. The full senate subcommittee?

19 A. The subcommittee -- the senate
20 subcommittee would have voted on the plan, but this
21 is what came out of the changes that were made to
22 the staff plan from the public input.

23 Q. Did you provide or did the core
24 redistricting team provide senate amendment one to
25 all the redistricting subcommittee members before

Page 242

1 BY MR. CUSICK:

2 Q. Do you recall making this map,
3 Mr. Roberts?

4 A. I'd have to see the map. I do recall
5 doing a plan for Senator Sabb, yes.

6 Q. And did it include keeping Charleston
7 and Beaufort whole --

8 A. Yes.

9 Q. -- whole counties?

10 A. Yes.

11 Q. Was it possible to do so and comply
12 with redistricting guidelines?

13 A. Yes.

14 Q. I should have just scrolled down,
15 because I didn't realize I had a PDF of this.

16 Is this the map?

17 A. Yes, that looks like the map that we
18 did for Senator Sabb.

19 Q. Do you recall when this was created?

20 A. I do not.

21 Q. And here, in all these maps you create,
22 you do include BVAP and other racial demographic
23 categories, correct?

24 A. That's correct. This was the typical
25 stat sheet that we would produce with all the maps.